

# **LOCAL AGENCY FORMATION COMMISSION COUNTY OF SAN BERNARDINO**

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**DATE:** January 6, 2003  
**FROM:** KATHLEEN ROLLINGS-McDONALD, Deputy Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: Agenda Item #7 – LAFCO SC#190—Irrevocable Agreement to Annex #02-007 for Sewer Service, City of Fontana (Henkels & McCoy)**

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**SUBMITTED BY:**

City of Fontana on behalf of property owner

**RECOMMENDATION:**

1. Determine that SC #190 is statutorily exempt from environmental review, and direct the Clerk to file a Notice of Exemption within five days.
2. Approve SC#190 authorizing the City of Fontana to extend sewer services outside its boundaries to serve APN #0230-062-42.
3. Adopt LAFCO Resolution #2763 setting forth the Commission's findings, determinations and approval of the agreement for service outside the City of Fontana's boundaries.

**BACKGROUND:**

The City of Fontana has submitted a request for approval of an irrevocable agreement to annex that outlines the terms by which it will extend sewer service outside its boundaries. The agreement relates to unincorporated lands generally located south of Foothill Boulevard (street address 14575 Foothill Blvd.), approximately 400 feet west of Redwood Avenue in the central City of Fontana sphere of influence. The parcel comprises approximately 2.06 +/- acres; location and vicinity maps are included as Attachment #1 to this report.

The City, on behalf of the property owner, has requested that the Commission review and approve the extension of service pursuant to the provisions of Government Code Section 56133. The County of San Bernardino Land Use Services Department has reviewed and approved a Conditional Use Permit (CUP) for the proposed development of a contractor/

construction services yard with a 600 sq. foot portable training facility. Within the Conditions of Approval for the CUP, Items #32 and #35 indicate the requirement for connection to the City of Fontana sewer system. Prior to issuance of the building permit for this project, the landowner will need to provide proof of authorization to connect to the City's sewer facilities – the signed contract with the City.

Pursuant to the Commission's application requirements for service contracts, information has been provided regarding all financial obligations for the extension of services outside the agency's boundaries. The City has supplied LAFCO staff with information that relates to the extension of service to this parcel. The costs for service extension by the City were calculated for the project as follows:

Sanitary Sewage Facilities Expansion Fee	\$2,822.95
Sewer Connection Charge	\$581.20
Sewer Deposit	\$121.26
Sewer Permit	\$25.00
 TOTAL CHARGE	 \$3,550.41

The application indicates that the monthly sewer rate to serve the commercial development is \$30.32 per month (1.5 times the in-city rate).

Authorization of this agreement by the Commission is required before the City of Fontana can take the final actions to implement the agreement. The staff has reviewed this application against the criteria established by Commission policy and Government Code Section 56133. The area is within the sphere of influence assigned the City of Fontana, and is anticipated to become a part of that City at some point in the future. The City and landowner have entered into an irrevocable agreement to annex that specifies the requirements of both parties regarding a future annexation and the extension of sewer service.

The staff supports the City's request to provide sewer service by contract to the parcel identified since its facilities are adjacent to the anticipated development, there is no other existing entity available to provide the necessary service, and it is considered to be in-fill development by both the City and County Planning staffs.

**FINDINGS:**

1. The area is within the sphere of influence assigned the City of Fontana, and is anticipated to become a part of that City sometime in the future.
2. The Commission's authorization for serving the parcel outside the City's boundaries is considered to be perpetual (until such time as the area is annexed).
3. The Land Use Review approval by the County of San Bernardino provides for the development of the parcel as a contractor/construction services yard with a 600 square foot training facility on the approximately two acre parcel. This final review

was effective November 20, 2001 as outlined in the County's letter of approval included as a part of Attachment #3.

3. As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the service contract submitted by the City of Fontana and recommended that it is statutorily exempt from environmental review. A copy of Mr. Dodson's response is included as Attachment #4 to this report.

KRM:

Attachments:

1. Vicinity map and map showing infrastructure
2. City application and Agreement between City of Fontana and property owners
3. County Land Use Review Acceptance Letter
4. Tom Dodson and Associates response
5. Draft Resolution #2763